

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:22-cv-00078-MR**

**RICARDO EDWIN LANIER,**

**Plaintiff,**

**vs.**

**J. BURNS, et al.,**

**Defendants.**

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**ORDER**

**THIS MATTER** is before the Court on Plaintiff's "Entry of Judgment by Default" [Doc. 37], which the Court will construe as a motion for entry of default.

Pro se Plaintiff Ricardo Edwin Lanier ("Plaintiff") is a pretrial detainee currently held at Henderson County Detention Center ("HCDC") in Hendersonville, North Carolina. He filed this action on April 8, 2022, pursuant to 42 U.S.C. § 1983, naming J. Burns and Z. Capps, identified as Henderson County Sheriff Officers, as Defendants. [Doc. 1]. Plaintiff's Complaint survived initial review in accordance with the Court's Order. [Doc. 12]. Defendant Capps was served on October 3, 2022, and Defendant Burns on October 4, 2022. [Docs. 28, 29]. Thus, their Answers were due on October 24 and October 25, respectively. [10/6/2022 Docket Entries].

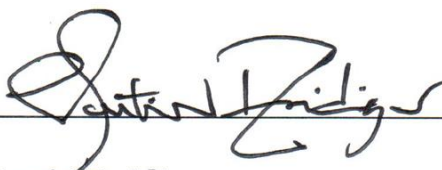
Defendants timely filed an Answer to Plaintiff's Complaint on October 24, 2022. [Doc. 35].

Plaintiff now moves for entry of default. [Doc. 37]. Plaintiff signed and mailed his motion on October 27, 2022. [Doc. 37 at 3; Doc. 37-2]. As grounds, he claims that "Today's date is: 10-27-2022" and Defendants failed to timely answer or otherwise plead in response to Plaintiff's Complaint. [*Id.* at 2]. Plaintiff, however, failed to even allow enough time to receive Defendants' Answer by mail before filing the instant motion. The Court will deny Plaintiff's motion as meritless and frivolous. Defendants' Answer was timely. Plaintiff is again cautioned against filing unnecessary documents with this Court. [*See* Doc. 26 at 5 ("**[S]hould Plaintiff persist in inundating the Court with improper and unnecessary filings in direct contravention of the Court's Orders, he will be subject to sanctions, which may include dismissal of this action.**") (Emphasis in original)].

**IT IS THEREFORE ORDERED** that Plaintiff's Motion [Doc. 37] is **DENIED**.

**IT IS SO ORDERED.**

Signed: November 9, 2022

  
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Martin Reidinger  
Chief United States District Judge

